

1 AN ACT relating to death benefits for social workers and making an appropriation  
2 therefor.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 61.315 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff,  
7 corrections employee with the power of a peace officer pursuant to KRS  
8 196.037, any metropolitan or urban-county correctional officer with the power  
9 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any  
10 auxiliary police officer appointed pursuant to KRS 95.445, any police officer  
11 of a public institution of postsecondary education appointed pursuant to KRS  
12 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087  
13 and 83A.088, elected to office, or employed by any county, airport board  
14 created pursuant to KRS Chapter 183, city, or by the state;

15 (b) "Firefighter" means every paid firefighter or volunteer firefighter who is  
16 employed by or volunteers his or her services to the state, airport board  
17 created pursuant to KRS Chapter 183, any county, city, fire district, or any  
18 other organized fire department recognized, pursuant to KRS 95A.262, as a  
19 fire department operated and maintained on a nonprofit basis in the interest of  
20 the health and safety of the inhabitants of the Commonwealth and shall  
21 include qualified civilian firefighters employed at Kentucky-based military  
22 installations;~~{and}~~

23 (c) "Emergency medical services personnel" means any paid or volunteer  
24 emergency medical services personnel who is certified or licensed pursuant to  
25 KRS Chapter 311A and who is employed directly by, or volunteering directly  
26 for, any:

27 1. County;

- 1           2.    City;
- 2           3.    Fire protection district created under KRS 75.010 to 75.260; or
- 3           4.    Emergency ambulance service district created under KRS 108.080 to
- 4                108.180;
- 5           to provide emergency medical services; and

6           (d) "Social service worker" means an employee of the Cabinet for Health and  
7           Family Services or the immediate supervisor of an employee whose  
8           professional duties include adult or child protective services related to:

- 9           1.   Investigations;
- 10          2.   Family need assessments;
- 11          3.   Interviews, visits, or contact with an involved family member; or
- 12          4.   Transportation services.

13       (2) (a) The spouse of any police officer, sheriff, deputy sheriff, corrections employee  
14           with the power of a peace officer pursuant to KRS 196.037, any metropolitan  
15           or urban-county correctional officer with the power of a peace officer pursuant  
16           to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer  
17           appointed pursuant to KRS 95.445, any police officer of a public institution of  
18           postsecondary education appointed pursuant to KRS 164.950, or any citation  
19           or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter,  
20           or member of the Kentucky National Guard on state active duty pursuant to  
21           KRS 38.030, or a member of a state National Guard or a Reserve component  
22           on federal active duty under Title 10 or 32 of the United States Code who  
23           names Kentucky as home of record for military purposes, whose death occurs  
24           on or after July 1, 2002, as a direct result of an act in the line of duty shall  
25           receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are  
26           no surviving children, which sum shall be paid by the State Treasurer from the  
27           general fund of the State Treasury.

1       **(b)** The spouse of any emergency medical services personnel whose death occurs  
2           on or after November 1, 2015, as a direct result of an act in the line of duty  
3           shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if  
4           there are no surviving children, which sum shall be paid by the State Treasurer  
5           from the general fund of the State Treasury.

6       **(c) The spouse of any social service worker whose death occurs on or after**  
7           **January 1, 2017, as a direct result of an act in the line of duty shall receive**  
8           **a lump-sum payment of eighty thousand dollars (\$80,000) if there are no**  
9           **surviving children, which sum shall be paid by the State Treasurer from the**  
10          **general fund of the State Treasury.**

11       **(d)** If there are surviving children and a surviving spouse, the payment **under this**  
12           **subsection** shall be apportioned equally among the surviving children and the  
13           spouse. If there is no surviving spouse, the payment shall be made to the  
14           surviving children, eighteen (18) or more years of age. For surviving children  
15           less than eighteen (18) years of age, the State Treasurer shall:

16       ~~1.(a)~~ Pay thirty-five thousand dollars (\$35,000) to the surviving  
17           children; and

18       ~~2.(b)~~ Hold forty-five thousand dollars (\$45,000) in trust divided into  
19           equal accounts at appropriate interest rates for each surviving child until  
20           the child reaches the age of eighteen (18) years.

21       If a child dies before reaching the age of eighteen (18) years, his or her account shall  
22       be paid to his or her estate. If there are no surviving children, the payment shall be  
23       made to any parents of the deceased.

24       (3) The Commission on Fire Protection Personnel Standards and Education shall be  
25       authorized to promulgate administrative regulations establishing criteria and  
26       procedures applicable to the administration of this section as it pertains to both paid  
27       and volunteer firefighters, including but not limited to defining when a firefighter

1 has died in line of duty. Administrative hearings promulgated by administrative  
2 regulation under authority of this subsection shall be conducted in accordance with  
3 KRS Chapter 13B.

4 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations  
5 establishing criteria and procedures applicable to the administration of this section  
6 as it pertains to police officers, any metropolitan or urban-county correctional  
7 officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or  
8 deputy jailers, including but not limited to defining when one has died in line of  
9 duty. Administrative hearings promulgated by administrative regulation under  
10 authority of this subsection shall be conducted in accordance with KRS Chapter  
11 13B.

12 (5) The Department of Corrections shall promulgate administrative regulations  
13 establishing the criteria and procedures applicable to the administration of this  
14 section as it pertains to correctional employees, including but not limited to defining  
15 which employees qualify for coverage and which circumstances constitute death in  
16 the line of duty.

17 (6) The Kentucky Board of Emergency Medical Services shall promulgate  
18 administrative regulations establishing the criteria and procedures applicable to the  
19 administration of this section as it pertains to emergency medical services  
20 personnel, including but not limited to which employees or volunteers qualify for  
21 coverage and which circumstances constitute death in the line of duty.

22 (7) The Cabinet for Health and Family Services shall promulgate administrative  
23 regulations establishing the criteria and procedures applicable to the  
24 administration of this section as it pertains to social service workers, including  
25 but not limited to which employees qualify for coverage and which circumstances  
26 constitute death in the line of duty.

27 (8) The estate of anyone whose spouse or surviving children would be eligible for

benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

~~(9)~~~~(8)~~ The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, emergency medical services personnel, social service workers, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

~~(10)~~~~(9)~~ Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

~~(11)~~~~(10)~~ (a) For the purposes of this section, if a firefighter dies as a result of cancer, the death shall be a direct result of an act in the line of duty if the firefighter:

1. Was a firefighter for at least five (5) consecutive years;
2. Developed one (1) or more of the cancers listed in paragraph (b) of this subsection which caused the firefighter's death within ten (10) years of separation from service as a firefighter;
3. Did not use tobacco products for a period of ten (10) years prior to the diagnosis of cancer;
4. Was under the age of sixty-five (65) at the time of death;
5. Was not diagnosed with any cancer prior to employment as a firefighter;
- and
6. Was exposed while in the course of firefighting to a known carcinogen as defined by the International Agency for Research on Cancer or the

1                   National Toxicology Program, and the carcinogen is reasonably  
2                   associated with one (1) or more of the cancers listed in paragraph (b) of  
3                   this subsection.

4           (b) This section shall apply to the following cancers:

- 5                   1. Bladder cancer;
- 6                   2. Brain cancer;
- 7                   3. Colon cancer;
- 8                   4. Non-Hodgkin's lymphoma;
- 9                   5. Kidney cancer;
- 10                  6. Liver cancer;
- 11                  7. Lymphatic or haematopoietic cancer;
- 12                  8. Prostate cancer;
- 13                  9. Testicular cancer;
- 14                  10. Skin cancer;
- 15                  11. Cervical cancer; and
- 16                  12. Breast cancer.

17           (c) 1. The provisions of this subsection creating an entitlement to the line of  
18                   duty death benefits shall apply exclusively to this section and shall not  
19                   be interpreted or otherwise construed to create either an express or  
20                   implied presumption of work-relatedness for any type of claim filed  
21                   pursuant to KRS Chapter 342.

22                   2. This paragraph is intended to provide clarification regarding the sole and  
23                   exclusive application of this subsection to only the benefits available  
24                   under this section and shall not be used as a bar or other type of  
25                   limitation to impair or alter the rights and ability of a claimant to prove  
26                   work-relatedness under KRS Chapter 342 or other laws.